



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/532,850

12/19/2005

Devan Govender

05-339

1945

20306

7590

06/08/2010

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

HSU, RYAN

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,850	Applicant(s) GOVENDER, DEVAN	
	Examiner RYAN HSU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt (US 5,275,400) in view of Torango (US 6,592,460).

3. Regarding claims 1 and 17, Weingardt teach a jackpot wagering system comprising a plurality of player terminals that are operable by a player to place a wager on a turn of any one of a plurality of different games of chance (*see col. 1: ln 1-10*), and a corresponding maximum limit for the wager (*see Figs. 4-7 and the related description thereof, see 1st coin to 5th coin winner distinction*). Additionally, Weingardt teaches a multilevel parimutual pool system that serves as an accumulation facility responsive to a placement of the wager to accumulate a portion thereof in an accumulation account (*see col. 7: ln 13-55*). Weingardt teaches that each of the plurality of game machines and the respective pools are provided with a random event generator that is automated to randomly select an outcome of the corresponding game of chance being played from a set of possible outcomes that includes a favourable outcome wherein the occurrence causes the player to win a determinable portion of the contents of the accumulation account (*see col. 9: ln 5-67*). Furthermore, Weingardt teaches a determination facility responsive to a placement of the wager to determine, prior to activation of the event a portion of the contents of the accumulation account as a function of at least one of: a) a size of the wager relative to the

Art Unit: 3714

maximum limit thereof (*see Figs. 4-7 and the related description thereof*) ; b) a playing currency of the wager where the wager is denominable in any one of a number of different permissible playing currencies and c) the relative jackpot cycles of the plurality of different games of chance (*see col. 1: ln 1-10, col. 4: ln 45-col. 5: ln 12*). However, Weingardt does not specifically teach the ability for a wager to be made using a plurality of different currencies in a common progressive jackpot.

4. In a related gaming patent, Torango teaches a progressive wagering system that teaches the process that an electronic gaming machine must incorporate to be adapted for accepting wagers in different currencies and different denominations of the same currency. Torango teaches that prizes must be timely updated in order to provide the current rates of exchange and can provide the exchanged rate of the currency to provide for the player to play so that all players in the common system are treated fairly (*see col. 7: ln 50-64, col. 18: ln 41-col. 19: ln 11*). One would be motivated to incorporate the system of Torango in order to provide different currencies from around the world to be used so that members from different countries could use the same game system. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the processes and methods of Torango with that of Weingardt to provide a jackpot wagering system that provided a determinable portion awarded to a player based on at least one of a wager relative to the maximum limit, a playing currency of the wager, and the relative jackpot cycles of the different games of chance.

5. Regarding claims 3-5 and 18-21, Torango teach a wagering system that accommodates different currencies. As different currencies will have a different value associated with each one the exchange rate is used to establish a baseline for each player's bet into the system (*see col. 13:*

Art Unit: 3714

In 18-col. 13: ln 59). This exchange rate provides a currency to be denominatable in a base currency which can be stronger than or equal to one of a number of different permissible playing currencies (*see col. 21: ln 5-30, col. 22: ln 33-64*). The base currency in Torango provides for a player's credits used in a game to be the base currency which can be established as the exchange for a play of the game which can take on various iterations based upon the game designer's choice. Therefore it would be a matter of DESIGN CHOICE to establish a maximum limit of a wager to be denominated as a base currency.

6. Regarding claims 6-7, and 22-23 Torango teaches a conversion facility instructable to use an exchange rate for interpreting the various wagers in order to define whether a permissible playing currency to an equivalent wager in a base currency meets an integral number of units or fractional units (*ie: exchange rate to number of credits*) (*see col. 19: ln 3-65*). This exchange rate is taught to be updated from time to time according to the system cycles (*see col. 10: ln 1-20*).

7. Regarding claims 9 and 25, Torango teaches a wagering system in which the determination facility determines the size of the wager as a function of a particular permissible playing currency in which the wager is denominated and a corresponding denomination of the units or fractional units of that playing currency (*see col. 13: ln 17-col. 14: ln 59, 'ER' – exchange rate, col. 18: ln 40-65*).

8. Regarding claims 10 and 26, Torango teaches a system in which the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of a favourable outcome as a function of the stored spot exchange

Art Unit: 3714

rate between the permissible playing currency in which the wager is denominated and the base currency (*see col. 13: ln 17-col. 14: ln 59*).

9. Regarding claims 11-12 and 27-28, Torango teach a system where the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of a favourable outcome as a function of at least the size of the wager, the maximum limit thereof, and a jackpot cycle of the game of chance being played (*see col. 17: ln 3-58*).

10. Regarding claims 8 and 24, Weingardt teaches a jackpot wagering system in which the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of the favourable outcome as a ratio of the size of the wager to the maximum limit thereof (*see Fig. 4-7 and the related description thereof*).

11. Regarding claims 13 and 29, Weingardt teaches a system in which the relative size of the jackpot cycle of the game being played is a ratio of the jackpot cycle of the game being played to the greatest jackpot cycle of any one of the plurality of different games of chance.

12. Regarding claims 14-15 and 30-31, Weingardt teaches a system in which the set of possible outcomes includes a plurality of different partially favourable outcomes and each favourable outcome causes the player win a determinable portion of the contents of the accumulation account that is proportionally reduced and the reduction in response to the occurrence of the partially favourable outcome of the game of chance is proportional to the probability of occurrence of the corresponding outcome (*see col. 7: ln 50-col. 8: ln 2, col. 11: ln 25-col. 12: ln 2*).

Art Unit: 3714

13. Regarding claims 16 and 32, Weingardt teaches a portion of the wager accumulated in the accumulation account by the accumulation facility is a predetermined percentage of the wager (*see col. 5: ln 23-47*).

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

RH
June 5, 2010